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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/668,074

09/22/2003

James J. Benke

02-EDP-168

1257

7590

09/20/2006

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EXAMINER

NGUYEN, DANNY

ART UNIT

PAPER NUMBER

2836

DATE MAILED: 09/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/668,074 | Applicant(s) BENKE, JAMES J. | |
| | Examiner Danny Nguyen | Art Unit 2836 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10 and 24-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10,25-29 is/are allowed.
- 6) ☒ Claim(s) 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/29/2006 with respect to claim 24 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Curtis in view of Fohrhaltz et al (USPN 3,925,722). Curtis discloses a medium voltage vacuum circuit interrupter (figures 3-5) comprises a first terminal (conductor 68), a second terminal (conductor 66), a vacuum switch (14) comprising a vacuum envelope (50) containing a fixed contact assembly (48) and a movable contact assembly (46) movable between a closed circuit position in electrical communication with the fixed contact assembly and an open circuit position spaced apart from the fixed contact assembly, the fixed contact assembly (48) electrically interconnected with the first terminal (68); a flexible conductor (64) electrically connecting the movable contact assembly with the second terminal (66); an operating mechanism (e.g. 10, 16, 20, 28, 38, 80) moving the movable contact assembly between the closed circuit position and the open circuit position, and an elongated housing (76) including a first end (96) supporting the first

terminal and an opposite second end (98) supporting the second terminal, the housing (76) enclosing the vacuum switch (14), the flexible conductor (64) and the operating mechanism, the housing (76) has an opening, and wherein the operating mechanism includes an operating handle (16 and 80), which protrudes through the opening of the housing (see figures 2 and 4). Curtis does not disclose an erosion indicator as claimed. Fohrhaltz discloses a protection device comprises a vacuum interrupter circuit associates with an erosion indicator (such as a wear contact condition indicator 60, figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified to the vacuum circuit of Curtis to incorporate the erosion indicator as disclosed by Fohrhaltz in order to provide contact wear condition in the vacuum interrupter circuit (col. 1, lines 6-8).

Allowable Subject Matter

3. Claims 10, 25-29 are allowed.

The following is an examiner's statement of reasons for allowance:

Claim 25 recites a medium voltage vacuum circuit interrupter comprises the operating mechanism further includes a current sensor sensing current passing between the movable contact assembly and the second terminal, a trip unit responsive to the sensed current to move the movable contact assembly from the closed circuit position to the open circuit position; and wherein trip unit including a wireless communication port which protrudes through the opening of the housing.

Claim 26 recites a medium voltage vacuum circuit interrupter comprises the elongated housing is generally tubular shaped including a first opening at the first end

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and a second opening at the second end; and wherein the first and second terminals include a first member which is supported by the generally tubular shaped elongated housing at one of the first and second openings thereof, and second member, which is normal to the first member.

Claim 27 recites a multi-pole voltage vacuum circuit interrupter comprises means for linking the operating mechanism to another operating mechanism of another one of the circuit interrupter poles, the operating mechanism further includes a current sensor sensing current passing between the movable contact assembly and the second terminal, a trip unit responsive to the sensed current to move the movable contact assembly from the closed circuit position to the open circuit position, wherein the means for linking includes an electric cable connecting the trip unit to another trip unit of another one of the circuit interrupter poles.

Claim 28 recites a multi-pole voltage vacuum circuit interrupter comprises means for linking the operating mechanism to another operating mechanism of another one of the circuit interrupter poles, the operating mechanism further includes a current sensor sensing current passing between the movable contact assembly and the second terminal, a trip unit responsive to the sensed current to move the movable contact assembly from the closed circuit position to the open circuit position, wherein the means for linking includes an infrared transceiver connecting the trip unit to another trip unit of another one of the circuit interrupter poles.

Claim 29 recites a multi-pole voltage vacuum circuit interrupter comprises the elongated housing has a generally cylindrical shape, and the elongated housing of one

of the circuit interrupter poles includes a first support member proximate the first end of the elongated housing, and second support member proximate the opposite second end of the elongated housing, with each of the first and second support members including a first cutout to hold the generally cylindrical shape of the one of the circuit interrupter poles proximate one of the first and second ends of the elongated housing, and with each of the first and second support members further including at least one second cutout to hold the generally cylindrical shape of at least another one of the interrupter circuit poles proximate one of the first and second ends of the elongated housing.

The references of record do not teach or suggest the aforementioned limitation, nor would it be obvious to modify those references to include such limitation.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Danny Nguyen whose telephone number is (571)-272-2054. The examiner can normally be reached on Mon to Fri 8:00 AM to 4:30 PM.

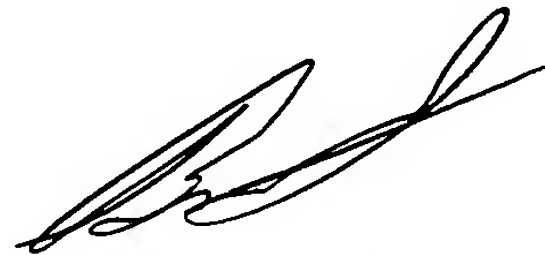
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on (571)-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DN

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9/8/2006



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